D.B. CIVIL SPECIAL APPEAL NO.52/1996
(Smt. Saroj Kanwar & Ors. Vs. Lachhman Singh)

Date of order : 14.8.2006

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. R. K. Purohit, for the appellants.
Mr. M.S. Singhvi, for the respondents.

Having heard learned counsel for the parties, we are of the view that in view of the clarifications made by learned Single Judge in pursuance of the directions issued by this Court on 19.8.1999, this appeal does not survive against the order of the learned Single Judge by which he held that no case for contempt against the respondent is made out under order 39 Rule 2 (A) C.P.C.

Briefly stated the facts of the case are that in a case of temporary injunction pending suit for declaration of the status of the respondent as adopted son of Hukum Singh and his right to carry on 'sewa puja' in the temple of 'Riktiya Bharoonji" situated in District Churu, the learned Single Judge in revision arising out of the order passed by trial court has allowed the respondent – Lachhman Singh to collect all the offerings made at the place in question and then directed to divide the same half and half between the respondent and the appellants. The appellants have

moved an application for non-compliance of the aforesaid directions issued by the learned Single Judge inter alia on the ground that the respondent is not distributing the gross receipt but distributing the amount after deduction of expenses and also that the respondent is deducting excess amount. The question whether deductions are to be allowed from the gross receipts or not was held to be unambiguous by the learned Single Judge and not any willful disobedience. This rise to filing present appeal before this Court. The Division Bench directed the respondent to seek clarification from the learned Single Judge.

It is now brought to our notice that the learned Single Judge has made clarification. In view of the clarifications made by the learned Single Judge, this appeal against the order passed on application under Order 39 Rule 2 (A) C.P.C. has become infructuous.

Accordingly, the appeal is dismissed as having become infructuous. This is without prejudice to the parties other disputes qua the dispute between them.

(GOPAL KRISHAN VYAS), J. (RAJESH BALIA), J.

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